EXHIBIT A



Service of Process Transmittal

CT Log Number 532410396

12/04/2017

TO: Rebecca Thompson

UnitedHealth Group Incorporated (111504190770700600)

9900 Bren Rd E Ste 300W, MN008-T700

Minnetonka, MN 55343-4402

RE: **Process Served in Tennessee**

FOR: OptumRx, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Timothy Moncier, Pltf. vs. OptumRx, Inc. and Briovarx, LLC, Dfts.

DOCUMENT(S) SERVED: Summons, Return, Complaint, Attachment(s)

COURT/AGENCY: Memphis County Circuit Court - Thirtieth Judicial District, TN

Case # CT00493317DIVV

NATURE OF ACTION: VIOLATIONS OF THE TENNESSEE HEALTH CARE LIABILITY

ON WHOM PROCESS WAS SERVED: C T Corporation System, Knoxville, TN

DATE AND HOUR OF SERVICE: By Certified Mail on 12/04/2017 postmarked: "Not Post Marked"

JURISDICTION SERVED: Tennessee

APPEARANCE OR ANSWER DUE: Within 30 days after service, not counting the day of service

ATTORNEY(S) / SENDER(S): J. Mark Benfield

APPERSON CRUMP PLC

6070 Poplar Avenue, Suite 600 Memphis, TN 38119-3954

901-756-6300

ACTION ITEMS: CT has retained the current log, Retain Date: 12/05/2017, Expected Purge Date:

01/04/2018

Image SOP

Email Notification, Administrative Assistant legalmail@uhc.com

SIGNED: C T Corporation System

800 S. Gay Street Suite 2021 ADDRESS:

Knoxville, TN 37929-9710 312-345-4336

TELEPHONE:

Page 1 of 1 / US

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

APPERSON CRUMP PLC Attorneys at Law

6070 Poplar Avenue Suite 600

Memphis, TN 38119-3954

իրորդերդիրի հիրդերի հետուրդիրի հետուրդություն OptumRx, Inc. c/o CT Corporation System

Registered Agent 800 S. Gay St. Suite 2021 Knoxville, TN 37929

(CIRCUIT/CHANCERY) COURT OF TENNESSEE 140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103 FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS ELECTRONICALLY FILED 2017 Nov 29 3:17 PM CLERK OF COURT

SUMMONS IN CIVIL ACTION

Docket No. CT-004933-17, Div. V	C Divorce	Ad Damnum \$	
TIMOTHY MONCIER		OPTUMRX, INC. and BRIOVA	ARX, LLC
	vs		
	,		
Plaintiff(s)		Defendant(s)	٠.
TO: (Name and Address of Defendant (One defendant	per summons))		of Service:
OptumRx, Inc. c/o CT Corporation System, Registered A 800 S. Gay St., Suite 2021 Knoxville, TN 37929 You are hereby summoned and required to defend a center of the control of the control of the center of the cen	· .		of Insurance (\$) ate (\$) hty Sheriff (\$) s Server
attorney, whose address is 6070 Poplar Ave., Settlephone 901-756-6300 within THIRT of service. If you fail to do so, a judgment by default metals.	Y (30) DAYS after things and the same of t	s summons has been served upon you, n tyou for the relief demanded in the Com	plaint.
·	JIP	/IMY MOORE, Clerk / DONNA RUSSELL, Cl	ark and Master
TESTED AND ISSUED	Ву		, D.C.
	TO THE DEFENDA	NT:	
NOTICE; Pursuant to Chapter 919 of the Public Acts of 1980, Tennessee law provides a ten thousand dollar (\$10,000) pers should be entered against you in this action and you wish to to claim as exempt with the Clerk of the Court. The list may be it is filed before the judgment becomes final, it will not be elitems are automatically exempt by law and do not need to be your family and trunks or other receptacles necessary to contiems be seized, you would have the right to recover them. If the counsel of a lawyer.	onal property exemp claim property as exe pe filed at any time an ffective as to any exec pe listed. These include tain such apparel, fan	tion from execution or seizure to satisfy a judgempt, you must file a written list, under oath, of may be changed by you thereafter as necestution or garnishment issued prior to the filing tiems of necessary wearing apparel (clothing nily portraits, the family Bible and school book	of the items you wish sary; however, unless of the list. Certain g) for yourself and tess. Should any of these
FOR AMERICANS WITH DISAB	ILITIES ACT (ADA) ASS	SISTANCE <u>ONLY</u> , CALL (901) 222-2341	
I, JIMMY MOORE / DONNA RUSSELL, Clerk of the Court, S	helby County, Tennes	see, certify this to be a true and accurate copy	r as filed this
JIMMY MOORE, Clerk / DONNA RUSSELL, Clerk and Ma	aster By:	,D.C.	

Case 2:18-cv-020			OF SERVICE				. ug				<u> </u>
HEREBY CERTIFY THAT I HAV	E SERVED THE V	WITHIN SUM	MONS:								
By delivering on the	day of				,20	at	•	N	I. a copy	of the s	ummons
and a copy of the Complaint t	o the following	Defendant									•
at											
					_			· . · .			
Signature of person accepting	service		-		By: Sh	eriff or	other a	uthorized	person	to serve	process
en de la companya de La companya de la co	t tiga - e									· ·	
	•								•		
		·							•		
	•	RETURNO	F NON-SERVI	CE OF S	UMMO	NS T					
I HEREBY CERTIFY THAT 1 HAV	E NOT SERVED	THE WITHIN	SUMMONS	3 :							
To the named Defendant										• .	
because	is	(are) not to	be found in	this Cou	inty aft	er dilige	ent sea	rch and in	quiry fo	r the foll	owing

By: ______ Sheriff or other authorized person to serve process



The Shelby County, Tennessee Circuit Court

Case Style: TIMOTHY MONCIER VS OPTUMRX INC

Case Number: CT-004933-17

Type: SUMMONS ISSD TO MISC



Electronically signed on 11/30/2017 07:49:51 AM

ELECTRONICALLY FILEI 2017 Nov 29 3:17 PM CLERK OF COURT

IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

TIMOTHY MONCIER,

Plaintiff,

V.

No. <u>CT-004933-17</u>, Div. V JURY DEMANDED

OPTUMRX, INC. and BRIOVARX, LLC,

Defendants.

COMPLAINT

COMES NOW the Plaintiff, Timothy Moncier, by and through the undersigned counsel, and for cause of action against Defendants OptumRx, Inc. and BriovaRx, LLC, would hereby show and state as follows:

JURISDICTION AND VENUE

- Plaintiff Timothy Moncier is an adult resident citizen of Shelby County,
 Tennessee, residing therein at 3547 Skylight Drive, Bartlett, Tennessee 38135.
- 2. Upon information and belief, Defendant OptumRx, Inc. ("Defendant Optum") is a California for-profit corporation qualified to do business in the State of Tennessee and maintains its principal office at 2300 Main Street, Irvine, California 92614-6223. Defendant Optum is a pharmacy system that is in the business of pharmacy care and services to the public at large. Upon information and belief, Defendant Optum may be served with process through its registered agent for service of process, CT Corporation System, 800 South Gay Street, Suite 2021, Knoxville, Tennessee 37929-9710. At all times material hereto, Defendant Optum, through

its agents, employees, and/or contractors, provided pharmacy care and services to Plaintiff Timothy Moncier during on or about August 2016 through on or about October 2016.

- 3. Upon information and belief, Defendant BriovaRx, LLC ("Defendant Briova") is an Alabama limited liability company qualified to do business in the State of Tennessee and maintains its principal office at 1600 McConnor Parkway, Schaumburg, Illinois 60173-6801. Defendant Briova is a pharmacy system that is in the business of pharmacy care and services to the public at large. Upon information and belief, Defendant Briova may be served with process through its registered agent for service of process, CT Corporation System, 800 South Gay Street, Suite 2021, Knoxville, Tennessee 37929-9710. At all times material hereto, Defendant Briova, through its agents, employees, and/or contractors, provided pharmacy care and services to Plaintiff Timothy Moncier during on or about August 2016 through on or about October 2016.
- 4. Defendant Optum and Defendant Briova are vicariously liable for the actions, omissions, and negligence of their respective employees, agents, and/or contractors who provided negligent pharmacy care and services to Plaintiff Timothy Moncier.
- 5. All pharmacy care and services that are the subject of this Complaint occurred in Shelby County, Tennessee. Because the wrongs complained of herein occurred in Shelby County, Tennessee, the county in which this action is brought, this action may be maintained in Shelby County, Tennessee, and venue is therefore proper.
- 6. Pursuant to and in compliance with T.C.A. § 29-26-121, by letter dated August 1, 2017, at least sixty (60) days prior to the filing of this action, notice of a potential claim against Defendant Optum was provided via certified mail, return receipt requested, to and through its principal place of business at 2300 Main Street, Irvine, California 92614-6223 and to its

registered agent for service of process, CT Corporation System, 800 South Gay Street, Suite 2021, Knoxville, Tennessee 37929-9710, both of which were returned as received.

- 7. Pursuant to and in compliance with T.C.A. § 29-26-121, by letter dated August 1, 2017, at least sixty (60) days prior to the filing of this action, notice of a potential claim against Defendant Briova was provided via certified mail, return receipt requested, to and through its principal place of business at 1600 McConnor Parkway, Schaumburg, Illinois 60173-6801 and to its registered agent for service of process, CT Corporation System, 800 South Gay Street, Suite 2021, Knoxville, Tennessee 37929-9710, both of which were returned as received on or about August 4, 2017.
- 8. Photocopies of all notice letters, together with the certified mail cards and certificates of mailing, are attached to the accompanying Affidavit of J. Mark Benfield, which is attached to this Complaint. All attachments hereto are hereby incorporated by reference as if fully stated herein *verbatim*. Consequently, this action is filed at least sixty (60) days after the issuance of written notice required by T.C.A. § 29-26-121.
- 9. As required by T.C.A. § 29-26-121, the notice letters referred to above and attached to the accompanying Affidavit of J. Mark Benfield as an exhibit thereto were accompanied by a list of all providers to whom notice was being given, along with a medical authorization permitting each provider receiving the notice to obtain complete medical records from each other provider being sent the notice. Also being filed contemporaneously with this Complaint is a Certificate of Good Faith signed by J. Mark Benfield, stating that Plaintiff's counsel have consulted with an expert and obtained a written letter from the expert pursuant to and in compliance with T.C.A. § 29-26-122. This Certificate of Good Faith is hereby incorporated by reference as if fully stated herein *verbatim*.

10. This cause of action arises from pharmacy care and services provided to Plaintiff Timothy Moncier by Defendant Optum and Defendant Briova, as well as their respective employees, agents, and/or contractors. This care fell below the recognized standard of acceptable professional practice of pharmacy care and services in the Memphis, Shelby County, Tennessee community and/or similar communities causing harm which would not have otherwise occurred.

FACTS

- 11. Plaintiff re-alleges and incorporates all of the allegations in the Complaint as if fully set forth herein *verbatim*.
- 12. Plaintiff Timothy Moncier ("Mr. Moncier") underwent a kidney transplant for which he was prescribed the medications Myfortic and Prograf, which prevent organ rejection after a transplant. Defendant Optum and Defendant Briova were Mr. Moncier's pharmacy and provided him with these medications.
- 13. During on or about August 2016 through October 2016, Defendant Optum and Defendant Briova negligently failed to provide Mr. Monicer with his prescribed medications.
- 14. Upon information and belief, Defendant Optum and Defendant Briova negligently deleted Mr. Moncier's prescriptions, which caused their failure to provide them to Mr. Moncier.
- 15. When Mr. Moncier did not receive his prescribed medications, he called Defendant Optum and/or Defendant Briova on several occasions to obtain his prescribed medications, but Defendant Optum and Defendant Briova further failed to provide Mr. Moncier with his prescribed medications.
- 16. As a direct and proximate result of Defendant Optum and Defendant Briova's negligent failures to provide Mr. Moncier with his prescribed medications, Mr. Moncier experienced excruciating pain and suffering, experienced a prolonged hospital stay, suffered

permanent physical and mental injuries, which will require additional future medical treatment, and suffered lost wages of a past, present, and future nature and a loss of earning capacity.

LIABILITY

VIOLATIONS OF THE TENNESSEE HEALTH CARE LIABILITY ACT

- 17. Plaintiff re-alleges and incorporates all of the allegations in the Complaint as if fully set forth herein *verbatim*.
- 18. As set forth hereinabove, Defendant Optum and Defendant Briova and their respective agents, employees, and/or contractors were charged with the responsibility of providing pharmacy care and services to and for Plaintiff Timothy Moncier and are guilty of deviations from the recognized accepted standard of pharmacy care and services in the Memphis, Shelby County, Tennessee community and/or similar communities, which caused injuries that would not have otherwise occurred.
- 19. The acts of negligence of Defendant Optum and Defendant Briova and their respective employees, agents, and/or contractors include, but are not limited to: (1) the failure to monitor, supervise, and implement acceptable and appropriate policies and procedures to ensure patients, such as Plaintiff Timothy Moncier, are provided with their prescribed medications in accordance with the recognized standard of care in the Memphis, Shelby County, Tennessee community and similar communities; (2) the failure to provide acceptable and appropriate supervision of Plaintiff Timothy Moncier in order to ensure he received his prescribed medications; and (3) the failure to provide Plaintiff Timothy Moncier with his prescribed medications on a continuing basis. All of the aforementioned deviations directly and proximately caused Mr. Moncier to experience excruciating pain and suffering and a prolonged hospital stay, suffer permanent physical and mental injuries, which will require additional future medical

treatment, and suffer lost wages of a past, present, and future nature and a loss of earning capacity.

- 20. Said negligent acts constitute deviations from the recognized and accepted standard of care for the Memphis, Shelby County, Tennessee community and similar communities.
- 21. Had Defendant Optum and Defendant Briova and their respective employees, agents, and/or contractors acted in accordance with the applicable standard of care, Plaintiff Timothy Moncier would not have experienced excruciating pain and suffering, experienced a prolonged hospital stay, suffered permanent physical and mental injuries, which will require additional future medical treatment, and suffered lost wages of a past, present, and future nature and a loss of earning capacity. Therefore, these deviations from the recognized and accepted standard of pharmacy care and services in the Memphis, Shelby County, Tennessee community and similar communities directly and proximately caused damages to Plaintiff Timothy.

DAMAGES

- 22. Plaintiff re-alleges and incorporates all of the allegations in the Complaint as if fully set forth herein *verbatim*.
- 23. As a direct and proximate result of the negligent acts and omissions of Defendant Optum and Defendant Briova and their respective employees, agents, and/or contractors as set forth herein, Plaintiff Timothy Moncier claims injuries for which he seeks compensation, including, but not limited to:
 - excruciating, debilitating, and conscious physical, emotional, and mental pain and suffering;
 - b. humiliation, embarrassment, degradation, and fright;
 - c. loss of dignity and respect;

- d. significant medical expenses of a past, present, and future nature;
- e. the loss of earnings and earning capacity; and
- f. all such other relief, both general and specific, to which Plaintiff may be entitled under the premises pursuant to applicable law.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff Timothy Moncier, sue the Defendants for the injuries described herein and prays for a judgment and award of compensatory damages against the Defendants in such an amount as may be fair and reasonable to a jury and for all such other relief, both general and specific, to which they may be entitled under the premises. A trial by jury is respectfully demanded.

Respectfully submitted,

APPERSON CRUMP PLC

J. Mark Benfield (#18541) Martha C. Burgett (#34199)

6070 Poplar Ave., Suite 600

Memphis, TN 38119 Phone: (901) 756-6300

Fax: (901) 757-1296

mbenfield@appersoncrump.com mburgett@appersoncrump.com

Counsel for Plaintiff

ELECTRONICALLY FILED 2017 Nov 29 3:17 PM CLERK OF COURT

IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

TIMOTHY MONCIER.

Plaintiff,

V.

No. CT-004933-17, Div. V JURY DEMANDED

OPTUMRX, INC. and BRIOVARX, LLC,

Defendants.

PLAINTIFF'S AFFIDAVIT OF SERVICE PURSUANT TO TENN. CODE ANN. § 29-26-121

STATE OF TENNESSEE COUNTY OF SHELBY

COMES NOW J. Mark Benfield, as counsel of record for the Plaintiff, Timothy Moncier, and pursuant to and as required by Tenn. Code Ann. § 29-26-121(a)(4), being first duly sworn according to law, hereby makes oath and states as follows:

- 1. My name is J. Mark Benfield. I am over eighteen (18) years of age and am an attorney licensed to practice law in the State of Tennessee. My Tennessee Board of Professional Responsibility number is 018541. Except where it may be otherwise noted herein, I have personal knowledge of the statements made herein and am otherwise competent to execute this Affidavit. I am counsel of record for the Plaintiff in this matter.
- 2. Pursuant to and as required by Tenn. Code Ann. § 29-26-121, my office, through me, caused a series of written notice letters to be timely mailed to the Defendants in this matter. Copies of the notice letters are attached hereto, as required by Tenn. Code Ann. § 29-26-121,

along with photocopies of the related certificates of mailing from the United States Postal.

Service, which are stamped with the date of mailing.

- 3. I hereby incorporate by reference as if fully stated herein all the documents and notice letters attached hereto.
- 4. Plaintiff has complied with the requirements of Tenn. Code Ann. § 29-26-121 by mailing the notice letters by certified mail, return receipt requested, to the Defendants, as prescribed by Tenn. Code Ann. § 29-26-121. Furthermore, certificates of mailing were obtained, showing that the notice letters were in fact mailed by certified mail, return receipt requested, to the Defendants at each Defendant's principal place of business and to each Defendant's registered agent for service of process at least sixty (60) days before the filing of the instant Complaint. Thus, the requirements of Tenn. Code Ann. § 29-26-121 have been satisfied as to the Defendants.
- 5. Plaintiff has complied with Tenn. Code Ann. § 29-26-122 by filing a Certificate of Good Faith contemporaneously with the instant Complaint and this Affidavit. Said Certificate of Good Faith filed contemporaneously with the instant Complaint and this Affidavit is hereby incorporated herein by reference as if fully stated herein verbatim.
- 6. Pursuant to and as required by Tenn. Code Ann. § 29-26-121, the notice letters referred to above and attached hereto as exhibits were accompanied by a list of other providers to whom notice was being given, along with HIPAA compliant medical authorizations permitting each provider receiving the notice to obtain complete medical records from each other provider being sent a notice.

7. I have read the above statements and swear that the above statements are true and correct to the best of my knowledge, information, and belief, and my signature and sworn oath is below.

FURTHER AFFIANT SAITH NOT.



SWORN TO AND SUBSCRIBED before me this 24 day of November, 2017.

Chengla. Huggins Notary Public

My Commission Expires:

2/23/19



Apperson Crump The Law in Memphis Since 1865

August 1, 2017

<u>VIA CERTIFIED MAIL</u> <u>Return Receipt Requested</u>

OptumRx, Inc. Licensing Department 2300 Main Street Irvine, CA 92614-6223

Certified Article Number

9414 7266 9904 2096 9405 17

SENDERS RECORD

OptumRx, Inc. c/o CT Corporation System, Registered Agent 800 South Gay Street, Suite 2021 Knoxville, TN 37929-9710 Certified Article Number

9434 7266 9904 2096 9405 24

SENDERS RECORD

BriovaRx, LLC 1600 McConnor Pkwy. Schaumburg, IL 60173-6801

Certified Article Number

9414 7266 9904 2096 9405 31

SENDERS RECORD

BriovaRx, LLC c/o CT Corporation System, Registered Agent 800 South Gay Street, Suite 2021 Knoxville, TN 37929-9710

Certified Article Number

7414 7266 9904 2096 9405 48

SENDERS RECORD

Re: Statutory Notice of Potential Claims of Timothy Moncier

To Whom It May Concern:

Pursuant to Tennessee Code Annotated § 29-26-121, please be advised that Apperson Crump, PLC and I are the attorneys representing the interests of Timothy Moncier. We are the authorized agents of Timothy Moncier for the purpose of pursuing a personal injury, health care liability, and/or loss of consortium suit against you. Through us, Timothy Moncier is asserting potential claims for negligence, personal injury, health care liability, and/or loss of consortium against OptumRx, Inc. and/or BriovaRx, Inc.

Pursuant to and in accordance with the requirements of Tennessee Code Annotated § 29-26-121, I, on behalf of Timothy Moncier, am hereby furnishing notice of a health care liability claim to all named entities herein at their principal business addresses and the addresses listed on

J. MARK BENFIELD
Direct Dial 901-260-5125
mbenfield@appersonerump.com

Apperson Crump PLC, Attorneys at Law Memphis • Nashville

6070 Poplar Avenue, Suite 600, Memphis, TN 38119-3954
Tel 901-756-6300 • Fax 901-757-1296

August 1, 2017 Page 2 of 3

the Tennessee Department of Health website, if applicable, and through their Registered Agents, if applicable. Attached hereto is a list of all health care providers to whom notice of a potential claim is being given pursuant to Tennessee Code Annotated § 29-26-121. Additional information required by § 29-26-121 is furnished to you below. This claim involves the failure to provide adequate care and supervision, proper medical attention, and proper and timely pharmacological treatment to Timothy Moncier beginning on or about August 2016.

The inadequate care provided to Timothy Moncier in this case constitutes ordinary negligence and deviations from the recognized standard of acceptable professional practice in the Memphis, Shelby County, Tennessee medical community and similar communities and caused harm which would not have otherwise occurred.

Pursuant to Tennessee Code Annotated § 29-26-121, as amended effective July 1, 2009, I hereby furnish the following information:

(A) The full name and date of birth of the patient whose treatment is at issue:

Name: Timothy Alvin Moncier Date of Birth: 02/02/1980

(B) The name and address of the claimant authorizing the notice and the relationship to the patient, if the notice is not sent by the patient:

Timothy Moncier, who resides at 3547 Skylight Drive, Bartlett, Tennessee 38135, authorizes the issuance of this letter for purposes of providing notice, as required by Tennessee Code Annotated § 29-26-121.

(C) The name and address of the attorney sending the notice, if applicable:

J. Mark Benfield, Esq.
Martha C. Burgett, Esq.
Apperson Crump, PLC
6070 Poplar Avenue, Suite 600
Memphis, Tennessee 38119

(D) A list of the names and addresses of all providers being sent a notice:

OptumRx, Inc. Licensing Department 2300 Main Street Irvine, CA 92614-6223

OptumRx, Inc. c/o CT Corporation System, Registered Agent 800 South Gay Street, Suite 2021 Knoxville, TN 37929-9710 August 1, 2017 Page 3 of 3

> BriovaRx, LLC 1600 McConnor Pkwy. Schaumburg, IL 60173-6801

BriovaRx, LLC c/o CT Corporation System, Registered Agent 800 South Gay Street, Suite 2021 Knoxville, TN 37929-9710

(E) A HIPAA compliant medical authorization permitting the provider receiving the notice to obtain complete medical records from each other provider being sent a notice is enclosed.

Pursuant to Tennessee Code Annotated § 29-26-121, this letter shall serve as written notice of the potential claims of Timothy Moncier.

Very truly yours,

APPERSON CRUMP PLC

J. Mark Benfield

JMB/mcb Enclosures:

- 1. List of providers pursuant to Tenn. Code Ann. § 29-26-121; and
- HIPAA compliant medical authorization

AUTHORIZATION TO DISCLOSE HEALTH INFORMATION

Patient Name:

Timothy Alvin Moncier

Date of Birth:

02/02/1980

Soc. Sec. No.:

- I authorize the use or disclosure of the above named individual's health information as 1. described below for the purpose of legal/medical review.
- The following individual or organization is authorized to make the disclosure: 2.

OptumRx, Inc. Licensing Department 2300 Main Street Irvine, CA 92614-6223

OptumRx, Inc. c/o CT Corporation System, Registered Agent 800 South Gay Street, Suite 2021 Knoxville, TN 37929-9710

BriovaRx, LLC 1600 McConnor Pkwy. Schaumburg, IL 60173-6801

BriovaRx, LLC c/o CT Corporation System, Registered Agent 800 South Gay Street, Suite 2021 Knoxville, TN 37929-9710

- The type and amount of information to be used or disclosed is as follows:
 - Problem List
 - **Medication List**
 - List of Allergies
 - Immunization Record
 - Most Recent History and Physical
 - Most Recent Discharge Summary
 - Laboratory Results
 - X-Ray and Imaging Reports
 - Consultation Reports
 - (All Treating Physicians/Nurses and Caretakers)
 - Entire Medical Record
 - Itemized Billing Statement/Billing Records

- 4. I understand that the information in my health record may include information relating to sexually transmitted disease, acquired immunodeficiency syndrome (AIDS), or human immunodeficiency virus (HIV). It may also include information about behavioral or mental health services, and treatment for alcohol and drug abuse.
- 5. This information may be disclosed to and used by the following individual(s) or organization(s):

OptumRx, Inc. Licensing Department 2300 Main Street Irvine, CA 92614-6223

OptumRx, Inc. c/o CT Corporation System, Registered Agent 800 South Gay Street, Suite 2021 Knoxville, TN 37929-9710

BriovaRx, LLC 1600 McConnor Pkwy. Schaumburg, IL 60173-6801

BriovaRx, LLC c/o CT Corporation System, Registered Agent 800 South Gay Street, Suite 2021 Knoxville, TN 37929-9710

- 6. I understand I have the right to revoke this authorization at any time. I understand if I revoke this authorization I must do so in writing and present my written revocation to the health information management department. I understand the revocation will not apply to information that has already been released in response to this authorization. I understand the revocation will not apply to my insurance company when the law provides my insurer with the right to contest a claim under my policy. Unless otherwise revoked, this authorization will expire on the following date, event or condition: Conclusion of case.
- 7. I understand that authorizing the disclosure of this health information is voluntary. I can refuse to sign this authorization. I need not sign this form in order to assure treatment. I understand I may inspect or copy the information to be used or disclosed, as provided in CFR 164.524. I understand any disclosure of information carries with it the potential for an unauthorized re-disclosure and the information may not be protected by federal confidentiality rules.
- 8. Nothing in this Authorization shall be construed as permitting the ex parte communication between counsel for the Defendants and the healthcare providers of Timothy Moncier without the express permission and/or the participation of his attorneys.

9. I hereby agree that a copy of this authorization form or facsimile shall have the same force and effect as the original thereof.

Signature of Patient or Legal Representative

Dated: July 31, 2017

LIST OF PROVIDERS OF TIMOTHY MONCIER TO WHOM NOTICE OF A POTENTIAL CLAIM IS GIVEN PURSUANT TO TENN. CODE ANN. § 29-26-121

- OptumRx, Inc.
 Licensing Department
 2300 Main Street
 Irvine, CA 92614-6223
- OptumRx, Inc.
 c/o CT Corporation System, Registered Agent
 800 South Gay Street, Suite 2021
 Knoxville, TN 37929-9710
- 3. BriovaRx, LLC 1600 McConnor Pkwy. Schaumburg, IL 60173-6801
- BriovaRx, LLC
 c/o CT Corporation System, Registered Agent
 800 South Gay Street, Suite 2021
 Knoxville, TN 37929-9710





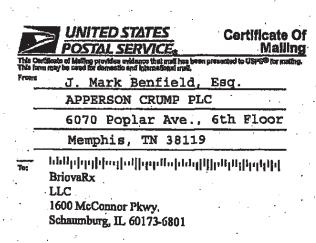
9414 7266 9904 2096 9405 48

TO: BriovaRx, LLC
C/o CT Corporation System,
Registered Agent
800 South Gay Street, Suite 2021
Knoxville, TN 37929-9710

SENDER: J. Mark Benfield

REFERENCE Joncier, Timothy

PS Form 38	00, January 2005	
RETURN	Postage	0.69
AECEIPT SERVICE	Certified Fee	3.30
CENTOR	Return Receipt Fee	2.70
į	Restricted Delivery	0.00
l	Total Postage & Fee	s WPRISONS 1771
U	SPS"	POSTMARK OR DATE
Rec	eipt for	AUG 0 1 2017
Certified Mail®		1 2017
No Insurance Coverage Provided Do Not Use for International Mail		(Ses 38119

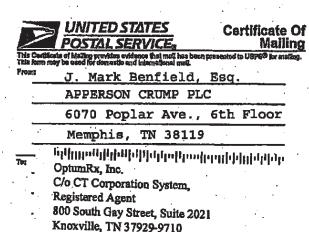


NEOPOST 08/01/2017 USPOSTAGE \$001.352 ZIP 38119 ZIP 38119 STATION

Postmark Here

9414 7266 9904 2096 9405 31 TO: BriovaRx LLC 1600 McConnor Pkwy. Schaumburg, IL 60173-6801 SENDER: J. Mark Benfield REFERENCE Mondier, Timothy PS Form 3800, January 2005 RECEIPT SERVICE Postage 0.69 Certified Fee 3.30 Return Receipt Fee 2:70 Restricted Delivery 0.00 Total Postage & Fees STATION POSTMARK OR DATE USPS* AUG 0 1 2017 Receipt for **Certified Mail®** No Insurance Coverage Provided Do Not Use for International Mail

PS



NEOPOST
08/01/2017
US POSTAGE \$001.350

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08/01/2017
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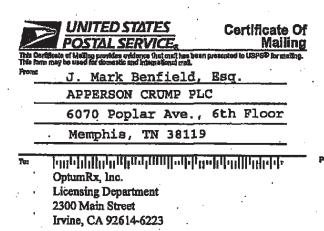
7414 7266 7704 2076 7405 24

TO: OptumRx, Inc.
C/o CT Corporation System,
Registered Agent
800 South Gay Street, Suite 2021
Knoxville, TN 37929-9710

SENDER: J. Mark Benfield

REFERENCE Moncier, Timothy

PS Form 5	1800, January 2005	•	* *		
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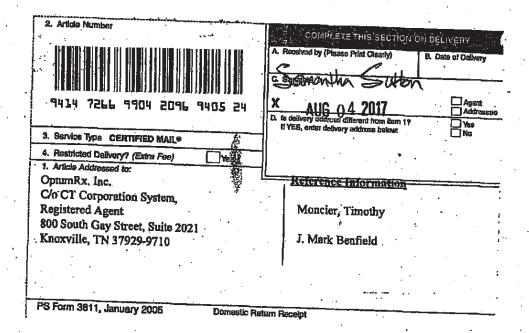
TO: OptumRx, Inc.
Licensing Department
2300 Main Street
Irvine, CA 92614-6223

SENDER.J. Mark Benfield

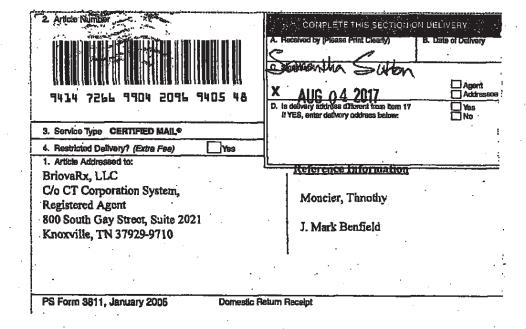
REFERENCE! Timothy

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2. Article Number	A. Recabled by (Plante Print Clearly). A. Recabled by (Plante Print Clearly). B. Date of Delivery C. Signaturo Againt Addressen O. It delivery address different from from 17 If Yes, enter delivery address below:
Service Type CERTIFIED MAIL® 4. Restricted Delivery? (Extra Fee) Yes Yes]
Arlicle Addressed to: OptumRx, Inc. Licensing Department	Moncier, Timothy
2300 Main Street Irvine, CA 92614-6223	J. Mark Benfield
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2. Article Number	COMPLETE THIS SECTION ON DELIVERY
	A. Received by (Pleaso Print Clearly) B. Dato-of Delivery Color B. Dato-of Delivery
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3. Service Type CERTIFIED MAIL®	If YES, anter delivery address below:
4. Restricted Delivery? (Extra Fee) Yes] "
1. Article Addressed to: BriovaRx	Reference information
LLC 1600 McConnor Pkwy.	Moncier, Timothy
Schaumburg, IL 60173-6801	J. Mark Benfield
	The second second
PS Form 3811, January 2005 Domesti	o Return Receipt



ELECTRONICALLY FILED 2017 Nov 29 3:17 PM CLERK OF COURT

IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

TIMOTHY MONCIER,

Plaintiff,

V.

No. CT-004933-17, Div. V JURY DEMANDED

OPTUMRX, INC. and BRIOVARX, LLC,

Defendants.

PLAINTIFF'S CERTIFICATE OF GOOD FAITH PURSUANT TO TENN. CODE ANN. § 29-26-122

COMES NOW the Plaintiff, Timothy Moncier, by and through the undersigned counsel and pursuant to Tenn. Code Ann. § 29-26-122, and hereby certifies that:

- (1) Plaintiff's counsel has consulted with one (1) or more experts who have provided a signed written statement confirming that, upon information and belief, they
- (A) Are competent under Tenn. Code Ann. § 29-26-115 to express an opinion or opinions in this case, and
- (B) Believe, based on the information available from the medical records concerning the care and treatment of Plaintiff Timothy Moncier for the incident(s) at issue, that there is a good faith basis to maintain the action consistent with the requirements of Tenn. Code Ann. § 29-26-115.
- (2) Plaintiff's counsel discloses, in compliance with Tenn. Code Ann. § 29-26-122(d)(4), that they have had no prior violations of the provisions of Tenn. Code Ann. § 29-26-122.

Respectfully submitted,

APPERSON CRUMP PLC

J. Mark Benfield (#18541) Martha C. Burgett (#34199)

6070 Poplar Avenue, Suite 600 Memphis, TN 38119

Phone: (901) 756-6300
Fax: (901) 757-1296
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mburgett@appersoncrump.com

Counsel for Plaintiff